MST

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.499 OF 2007

SEA CREST CHSL Building No.2 Appellant
versus
SEA CREST CHSL Building No.1 & anr. Respondents

Mr.C.K.Tripati for appellants.

Ms.Manjari Perasnis i/by V.M.Sharma for respondent no.1.

CORAM : A.S.OKA, J.

DATE : 25th June 2007

PC :

1. Admit. Hearing is expedited. Advocate for the first respondent waives service.

(A.S.OKA, J.)

MST

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.690 OF 2007
IN
APPEAL FROM ORDER NO.499 OF 2007

SEA CREST CHSL Building No.2 Appellant
versus
SEA CREST CHSL Building No.1 & anr. Respondents

Mr.C.K.Tripati for appellants.
Ms.Manjari Perasnis i/by V.M.Sharma for respondent no.1.

CORAM : A.S.OKA, J.
DATE : 25th June 2007
PC :

1. Heard learned advocates appearing for applicant and first respondent. Considering the nature of the impugned order, grant of stay of execution and operation of the impugned order will amount to grant of final relief in the appeal. Therefore, the prayer for stay cannot be granted. Learned counsel for the applicant submits that even the first respondent be directed to maintain status-quo in the sense that the first respondent should be prevented from carrying out any construction. However, no such prayer is made in this application and, therefore, said prayer cannot be considered in this application.

2. Prayer made in this application cannot be granted. Application is rejected.

(A.S.OKA, J.)